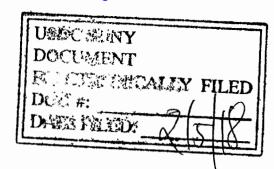
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
UNITED STATES OF AMERICA	:
v.	:
BNP PARIBAS USA, INC.,	:
Defendant.	:
	:



18 Cr. 61 (JSR)

PROPOSED] ORDER ESTABLISHING PROCEDURE FOR CRIME VICTIM NOTIFICATION PURSUANT TO 18 U.S.C. § 3771(d)(2)

On this date, the Court considered the Unopposed Motion to Authorize

Alternative Victim Notification Procedures Pursuant to 18 U.S.C. § 3771(d)(2), filed by
the United States Department of Justice, Antitrust Division. Having considered the
Motion and for good cause shown, the Court GRANTS the Motion and ORDERS that
for any public court proceeding involving the crime charged in the Information, the
Antitrust Division may provide reasonable, accurate, and timely notice to potential crime
victims through its website, http://www.justice.gov/atr/victim/vrhearings.htm, and
through notification to lead counsel for the plaintiffs in the class action entitled, *In re*Foreign Exchange Benchmark Rates Antitrust Litigation, No. 13-cv-7789 (LGS)
(SDNY), rather than through individual notices to the crime victims.

IT IS SO ORDERED.

DATED this ______ day of February, 2018.

HONORÁBLE JED S. RAKOFF UNITED STATES DISTRICT JUDGE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v. : 18 Cr. 61 (JSR)

BNP PARIBAS USA, INC., :

Defendant. :

GOVERNMENT'S UNOPPOSED MOTION TO AUTHORIZE ALTERNATIVE VICTIM NOTIFICATION PROCEDURES PURSUANT TO 18 U.S.C. § 3771(d)(2)

The United States of America, by and through the undersigned attorney for the Department of Justice, pursuant to 18 U.S.C. § 3771(d)(2), respectfully moves this Court for an order adopting a "reasonable procedure" for providing notice to "crime victims" as provided for under the Crime Victims' Rights Act, 18 U.S.C. § 3771. Counsel for BNP Paribas USA, Inc. ("the defendant") has represented to the Government that the defendant does not oppose this motion.

The Act, as amended in 2004, requires that the Department of Justice use its "best efforts" to see that "crime victims" are notified of and accorded rights as described in 18 U.S.C. § 3771(c)(1). The Act defines "crime victim" as "a person directly or proximately harmed as a result of the commission of a Federal offense" 18 U.S.C. § 3771(e).

The rights of a crime victim under the Act include the "right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused." 18 U.S.C. § 3771(a)(2). Where the court finds that the number of crime victims make it "impracticable" to accord

all of the crime victims the rights in Section 3771(a), the court "shall fashion a reasonable procedure" to give effect to the Act that does not "unduly complicate or prolong the proceedings." 18 U.S.C. § 3771(d)(2).

In the instant case, the Government submits that it would be impracticable to provide individual notice to each potential victim directly or proximately harmed by the charged conspiracy. The defendant and its co-conspirators, which were other financial institutions and their employees acting as dealers in the foreign currency exchange ("FX") market, entered into and engaged in a combination and conspiracy, from at least as early as September 2011 and continuing until at least July 2013, the exact dates being unknown to the United States, in the Southern District of New York and elsewhere, to suppress and eliminate competition by fixing prices for Central and Eastern European, Middle Eastern, and African ("CEEMEA") currencies traded in the United States and elsewhere. The potential crime victims include customers and counterparties who exchanged CEEMEA currencies with the defendant and its co-conspirators over a nearly two-year period. There are thousands of such trades involving CEEMEA currencies that occurred during that time. Identifying, locating, and providing notice to each potential victim would be extremely burdensome.

Furthermore, potential victims harmed by the conspiracy are already on notice of the existence of various proceedings related to conduct in the FX market, by virtue of, among other filed lawsuits, a class action lawsuit pending in this Court. *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (LGS) (SDNY).

Accordingly, the Government respectfully requests that this Court adopt a "reasonable procedure" for providing notice to potential crime victims in this case. 18

U.S.C. § 3771(d)(2). Specifically, the Government proposes that for any proceeding

requiring victim notice under 18 U.S.C. § 3772(a)(2), the Government will:

1. Provide reasonable notice of the proceeding on the Internet, at a publically

accessible website for the Antitrust Division, http://www.justice.gov/atr. The

information regarding any public proceeding in this matter will be timely posted

on a specified page on the Antitrust Division's website, which can be accessed at:

http://www.justice.gov/atr/victim/vrhearings.htm.

2. Notify lead counsel for the plaintiffs in the civil litigation referenced above.

In addition, it is the Government's typical practice to issue a widely distributed

press release when a defendant pleads guilty. In this case, a press release was issued on

January 26, 2018 announcing that the defendant has pleaded guilty to the charge specified

in the Information.

These steps accomplish the purpose of the Act with respect to reasonable notice to

crime victims, without unduly complicating or prolonging the proceedings. 18 U.S.C. §

3771(d)(2).

A proposed order is attached to this motion.

Dated:

February 1, 2018

UNITED STATES DEPARTMENT OF JUSTICE,

ANTITRUST DIVISION

By:

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